P.7. 69-98

G. R. S. IX-5]

Previous references.

1897-98.

191 .

(L.R.)

File No. 97-97.

Serial Nos. 1-14

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-14.

In ~~Part~~ B for June 1897.

SUBJECT.

Disposal of Cattle Trespass - Unoccupied Waste Lands - Issues out of Cultivation.

Indexed

W D 1250—GPB—30,000 - 28-1-19

Q 12

Precis.

Petition No 15 dated 29-6-98.

Petitioner :—

Kempe Gowda.
Patel of Janivara,
Channarayapatna Taluk,
Hassan District.

Subject.

Appeal against the Deputy Commr's order levying from the petitioner the amount collected by him from the ryot as the value of the cattle droppings in the bed of a tank which was leased out to the petitioner for Kulthami.

Facts of the case.

1. On 26-3-'95 Channaiah Patel of Kumbarahalliarali in the Channarayapatna Taluk in his petition to the Taluk stated that Kempegowda, Patel of Janivara had sold the cattle droppings in the bed of Amanekere of Janivara to one Timmaiah of Chennadinahalli for Rs 4/=, and that he did not know whether the Patel did this under

vide Serial No 1 of the Enclosed Records.

under Govt. orders and also prayed that he may be allowed to take for one year the cattle droppings in the Kalemahalli Side of the said tank-bed on payment of a sum of Rs 5/-. A reminder petition was sent on 2-4-'35. Thereon the Shekdar was directed to ascertain why Kempegowda sold the cattle droppings to others and to report if there be any objection to the said droppings being sold in auction. The Shekdar in reply, said that the cattle droppings were never separately sold in auction, but that only the right to graze the cattle was sold in the Lease year.

2. On 6-4-'35 Mammath Sabi submitted to the Deputy Commr: a petition complaining that final orders were not passed on his petition to the Taluk and praying that the Amildar may be ordered to comply with his request. This petition was forwarded to the Amildar for enquiry and report.

3. On 11-5-'35 Mammath

Sabi

x vide Serial No 2.

x vide order No 861 dated 26-3-'35 on Serial No 1.

x vide Report No 420 dated 20-5-'35 on Serial No 4.

x vide Serial No 3.

vide order No 508 dated 22-4-'35 on the above.

× vide Serial No. 1312.

× vide Serial No. 1687.

Sabi deposed before the Arbitrator to the following effect:—

Kanja Gowda had agreed with Javiraya Gowda to cut to one goldsmith Timma for Rs 4/= the cattle droppings in the Kumbara Kalemakalli side of the bed of the Javiraya tank, while the droppings on the Elemakalli side were given to one Kari Chikkana Naga for Rs 4/= And those on the Devaneri side were let to one Karina. He was doing this since the Survey settlement, that is, for the last 10 years and was utilizing the proceeds thereof for his own private purpose on the plea that the tank bed was included in his Inadavanu land. I (Mammath Sabi) do not know how the droppings on the Javiraya side of the tank bed were disposed of. I am prepared to take up the right of collecting the cattle droppings on the Kalemakalli side of the bed for Rs 5/=. Mammath Sabi also named certain persons who were aware of Kanja Gowda's dealings. Summonses were issued to these persons and Kanja Gowda, directing them to

to appear before the Amildar on 25-5-'95, and were duly served.

4. On 25-5-'95 depositions were taken before the Amildar from the witnesses noted in the margin to the following effect:-

Kempegowda Patil of Janiwara, said, since the Survey settlement that is for the last 28 years, been leasing out the cattle dropping pen on the Kurubara Kalenahalli side of the bed of the Channel for an annual rent of Rs 4/- from the whole village on the plea that it was part of his holding. This sum used to be levied proportionately from all the villagers and paid by the village Patil to the said Kempegowda.

Kempegowda, Patel of Kurubara Kalenahalli further deposed that as the villagers did not consent to pay the lease amount that year, (this is corroborated by Narasimha and Konappa), it was leased out to one Chandichetti Timma for Rs 4, that one Emanna Setti was not paying at the rate of Rs 2/- but that he himself was paying an annual rent of Rs 4.

5. On the same day Siruma, Kila, Kunte and Basavanda of Chandichetti deposed to the effect that Kempegowda, Patil of Janiwara, had leased out the

vide serial No. 13, 14 & 15

(1) Hanuma
2) Nalle
3) Ranga Setty
4) Patil Kempegowda
5) Narasimha
6) Konappa

} of Kurubara Kalenahalli

x vide serial No. 6.

the cattle droppings in their village side of the bed of January that to one Kunhi the previous year, to one Bava the year before and prior to that to one Kuta; that they did not know the amount and the length of time for which he had leased it out to each of the above; that however he was leasing it out for the last 5 years and that he leased it out to others as the inhabitants of their village did not agree to pay the amount.

6. On 27-3-'38 Kuttayanda of January deposed before the Amildar to the effect that the pasturage was being used by all the ryots while the cattle droppings on May the tank bed were leased by their Mukhasthas to one Karichalil Bava for a rent of Rs 5, that this was being done for the last 5 years and that he did not know how the droppings were being disposed of during the previous years.

7. On the same day, Kunhiyanda, Kutti of January, deposed as follows:—

I have paid as the sale amount of the cattle droppings in the tank bed of January, Rs 30 during the year of the

* vide Serial No 17.

x vide Serial No 18.

the settlement, Rs 8 exigency,
Rs 12 for a few years and Rs 8
last year and this year. This
waste land has been entered
as "the tank" in the "Patti". I
have got the Patti and will
produce it tomorrow. To recover
the said amount of the said
waste land I have leased
out the pasturage and the
cattle droppings in the tank
bed to the respective villages.
The cattle droppings and the
pasturage on the Kurubara
Kalemakalli side of the tank was
were leased out to one Ummar
Sabi for Rs 4 during the first
year and Rs 3 a year the second and
third years. The same were
leased out for Rs 2 a year for
four years to Mudli Kala and
Pujari Kala and for one year
to Ummar Sabi. They were
not leased out to any during
the last year. This year they
are leased out to Timma
for Rs 2 and this sum has
not yet been paid. The
Chamadikalli and Jaminara
sides of the bed were leased
out for Rs 3 to one Kurchanni
Bora. This year Bora refused
to take it up and therefore the
Chamadikalli side was leased
out to one Dodda for Rs 2, while
the Jaminara side was rented
out for Rs 2 to Tippana Chetty.
This money has not been secured
yet. The Kaveneri side has not
been let out to any, neither has
it been leased out to Karima for Re 1.

X vide Serial No 20.

X vide order No 19 dated 26-7-'95 on the above.

XX vide order No 43 dt 7-8-'95.

X vide Serial No 9 and 10.

X vide Serial No 19.

8. On 6-7-'95 Mavanatha Gali submitted a petition to the Deputy Tahsildar complaining that his petitions to the Tank Kempegowda of Jannara had unlawfully traced out the cattle drinking in the bed of the tank to one Siddaya Chari of Chamadihalli and had obstructed the free passage of his cattle and praying that orders may be issued to the Tahsildar for the speedy disposal of the case. This was forwarded for enquiry and report to the Huildar who directed the Sheristar to produce the persons concerned for enquiry. Summonses were accordingly issued to these persons and were served on them.

9 On 9-7-'95 Dodda and Siddachari of Chamadihalli deposed before the Huildar to the effect that the cattle trespassing in the Chamadihalli and Kurubarakalenahalli side of the Jannara tank bed were respectively leased out to them for Rs 1-8-0 each by Kempegowda of Jannara and that they did not know to whom they were leased during the last year. Kurubarahalli Bora of Jannara stated that two years back the cattle

cattle droppings on the Jamuara side of the tank bed were leased to him by Kempegowda for Rs 2/- and that during the then current year one Chikka had the lease; while Chikka deposed that during the previous year he had the lease of the droppings in the tank bed for Rs 2!

10. On 10-9-'95 Mammatte Sahi submitted another petition to the Deputy Commr: urging his request and praying that early orders may be passed on a perusal of the entire correspondence and depositions. This petition was forwarded to the Amildar for Report.. × vide Serial No 21.

vide Order No 207 dated 4-9-'95 on the above.

11. On 5-10-'95 the Amildar submitted the entire correspondence and depositions bearing on the Subject to the General Asstt Commr: and reported that in the annual Kulbanni Sale list (Form No 6) mention was made of "thank Tank" and only its acreage was mentioned; that in the same manner the Maidanage of other tanks, such as the Kere and Dindagur tanks was being sold; that it was understood that only the grass on the waste lands was being used for grazing purposes, and that the fact of Kempegowda's levying the money from them for the lease of the manure falling on

vide Report No 84 Serial No 33.

vide Serial No 22823.

on the land led on the strength of his settlement purchase was quite a different matter. Thereon the Guard Assistant Commissioner passed the following order:—

"The Nagare having been included in the sale, all the manure falling therein must, as of right, belong to the purchaser. If it be only when the goat is not so included that Government can claim the manure. Act by Commissioner's orders."

On this the Deputy Commissioner observed that it was the practice to issue out the pasturage for an appraised amount for the use of all the villagers and called for an answer to the following questions:—

1. Was not the pasturage in question dealt with in accordance with the usual practice? If not why not?
2. What right has Government to the manure?
3. Is not the right confined only to the pasturage.

12. On 14-3-'96 the Assistant reported that it was clear from the enclosed Kaifiyat (Form No 8) that the pasturage was not distributed in accordance with the grant. No: 2360-S dated 16-7-'84; that as the manure of only

X vide order No 6.4 dt 23-2-'96 Serial No 34.

X vide Report No 303. Serial No 34.

only the highest bidder was mentioned in Column 6 of the said list, as ~~not~~ no distribution list was forthcoming and as the sale amounts for the past and the then current year did not differ, it should be presumed that it was the practice to sell the pasturage to one individual and leave the distribution to the villagers themselves; that this practice was kept up throughout the Talak and that on the strength of Govt: Rs: No $\frac{623-3}{123}$ dated 29-1-'95 to the effect that the right to the extra collections from extra cattle for enjoying grazing belonged to Govt: it was quite clear that the right to the manure vested in Govt:.

13. On 1-7-'97 Mannanatt Sahi submitted a reminder for to the Dy Commr: and prayed for early orders. This petition was forwarded to the Amildar for disposal. Another reminder petition was submitted on 3-8-'97 and was similarly dealt with.

14. On 15-7-'97 Mannanatt Sahi deposed before the Amildar to the effect that Kanjikonda, Patel of Jaminara, had leased out the cattle grazing during that year to the villagers of Jaminara, Aravanari, Chamadihalli and Kalenahalli at the rate of Rs 4/= a village and had realized for himself

[illegible]

× vide Serial No 23/7.

× vide order No 7 dt 1-7-'97 on the above.

× vide Serial No 24/6 and order thereon.

× vide Serial No 24/5.

himself the proceeds thereof and that he did not know the names of the lessee for that year. He also named certain persons who were aware of the transaction, these persons were duly summoned and examined on 28-7-'97.

Erinna Son of Nilakanda of Chundikulli stated that Kanapathipillai Kanda, Patel of Innuvil, had let out the cattle droppings in the tank lease to Dodda and in connection of the village for Rs 4: each. Nilakanda and Kanapathipillai Kanda Patel Brother of Chundikulli deposed that Kanapathipillai had leased out the cattle droppings for Rs 4: each to Sinnathamby Dodda and another and that they were informed of this by their Patel Kanapathipillai Kanapathipillai, Patel of Innuvil, said in oath that year after near he was purchasing the pasture in the Innuvil tank, that he was letting out the said pasturage together with a right to collect the manure thereon to the lessee that he did not lease out the pasture to the agent of Nilakanapathipillai they had complained against him; that on a former complaint by Nilakanapathi that he was directed by the then Maniker Mr Nadarajah Esq to call for the

pasture

x vide depositions, dated 1st 24/3 & 26/4.

pasture in the annual sale; that as the said Mammath Sahi was absent at Bombay at the Kulbarni sale, he had purchased the same that year also and that in a public sale every one was at liberty to bid. Kempiloonda, Patel of Kurubarahalli, urged that he was informed by goldsmith Timma & Chandi Malli that Ramboda had leased out the pasture and the cattle droppings for Rs 4 and that the said Timma had removed the droppings.

15. On 28-8-'97 the Huildar in submitting the whole correspondence referred to his report No 603 dated 13-8-'96, and solicited orders thereon. After ascertaining as to what had been done with the said report the Dy Commr passed the following order:—

× vide report No 333 Serial No 24/7.

× vide order No 608 dated 8-11-'97 Serial No 55.

"Only the right of grazing cattle in the tank bed rests in the ryot or the purchaser in question, but neither of them has any right to sell to others the manure accumulated thereon. The Patel's conduct is blamable. But as a long time had elapsed it is enough if the amount unlawfully collected by him be recovered and credited to Govt.

16. On 15-11-'97 the Huildar directed the Sheristar to recover from Kempegowda the amount

× vide Serial No 205 Serial No 25.

he

he had levied from the villagers. To this order Kempe Gowda remarked that he had leased out only the pasturage to the villagers of Timmadihalli and Kalenahalli, that he had credited to govt. the amount so realized together with the Sale amount due by him, that he had neither leased out the manure nor received any money for that and that nothing was to be levied by him at present. The Shekdar submitted the above and explained that without attachment of property the Amnt could not be recovered and that it was not possible to ascertain the exact amount recovered by him for the manure alone.

17. Summons and as he did not obey the summons, a warrant also were issued to Kempegowda who appeared before the Amildar on 28-4-93 and deposed to the effect that he was purchasing the pasturage from the year 1885-86; that he did not lease out the pasturage and the manure separately and that he would produce a list of the leases and the lease amounts for the several years the next day. The list which two documents produced showed that the total

lease

× vide Report. No 686 dated 24-3-93 Serial No 26.

× vide Serial No 27 & 28.

× vide Serial No 30.

× vide Serial No 31.

lease amount for the 13 years from Parties to Veribamii was Rs 90-8-6 and that out of this Rs 28 were recovered by Kempelgowda from others.

18. on 5-8-'29 the Builder directed the Shekdar to recover Rs 117-4-4 from Kempelgowda. On this order Kempelgowda remarked that he had not to pay anything. The Shekdar thereon solicited orders for the recovery of the amount by the attachment of property.

19. on 5-8-'29 Kempelgowda further deposed to the following effect:—

Excluding the land leased out by me, the Govt: assessed waste and kharab lands included in the Hulbanni sale were being used by all the villagers for pasturage. Only so much of the pasturage as would yield the amount to be paid to Govt: were sold and the rest were being used free by all the villagers. I would be subjected to a heavy loss by being made to pay the whole amount. As all the villagers are equally concerned in the matter the amount should be levied proportionately from all of them. Seeing that orders have been issued prohibiting completion at the Hulbanni sale and directing

× vide order No 702 Serial No 39.

× vide Report No 919 dated 25-8-'29 on the above.

× vide Serial No 30.

the levy of the amount pro-
portionately from all the villagers
and that only to facilitate Govt:
accounts my name was entered
on behalf of all the villagers
and with their consent, I am
not singly liable for the payment
of the said amount. As the ryots
did not pay the amount, a
portion of the pasture was,
with their consent, sold and
the amount realized was
paid to Govt:

20. On 26-6-'98 the Amildar
solicited orders for the attach-
-ment of movable properties"
to recover the amount from
Kempegowda. Thereon the Deputy
Commr: observed that the
amount to be recovered should
have been settled before —,
directing the levy of the same
and ordered that after
fixing the amount, it may
be recovered having recourse,
if necessary, to attachment
of movable property.

21. On 24-6-'98 Kempegowda
appealed to Govt: against the Dy
Commr's order No 638 dated
8-11-97. In the appeal petition
Kempegowda stated that by
compulsion he took the bed of
the tank of Janivara for grazing
purposes and sublet the same to

the

× vide Report No 1671
Serial No 35.

× vide order No 12 dated
2-7-'98 on the above.

× vide Petition No 15.

the ryots of Jaminra, Chimatihalli and Kalenahalli; that the ryots of these villages were using the manure accumulated therein; that as the ryots of Kalenahalli gave trouble to pay their rent in a certain year they were not, next year, allowed to graze their cattle in the bed of the tank; that consequently one Mammath Sabi of Kalenahalli complained against the petitioner stating that he sold the manure accumulated in the bed of the tank; that the Amildar reported against the petitioner without enquiring into the matter; that on this report the Deputy Commr: passed the order appealed against; that in consequence of the order a sum of Rs 20/: was taken from his Pholgi and he is informed that his property would be sold if he failed to pay the balance viz Rs 97; that he did not sell the manure and that he would prove the same and he prayed for equitable orders. This petition was forwarded to the Deputy Commr: for submission of a report with records. The Deputy Commr: called

× vide our $\frac{Pol}{33}$ dated 3-2-93.

called for a similar report from the Builder who duly submitted the records with a memo of facts.

22: On 28-9-98 the Deputy Commr: in addition to the records stated the facts of the case and observed — "On enquiry it was ascertained that Kempegowda was in the habit of leasing out to others the right of collecting the droppings on the ground that he had the right to graze the cattle in the tank bed as the auction purchaser in the Kalbeamii sale. x x x In executing this order (the order effected against the Builder took steps to recover from the applicant, the amounts proved to have been collected by him from others in respect of the sale of the droppings."

C&R
31/10/98.

x vide Report No 244 dated 1-9-'98.

vide Letter No 277.

The pet's contention — in the appeal petition — that he never rented out the right of collecting the manure

on the tank-bed may be
dismissed with the observation
that he has since admitted
the levy of such rent in his deposition
before the amin (ꝺ 27/5/95
& 28/7/97 - Sks 18 & 24/4)
& that the lessees (Doddy
Timmadari & Bora) have
also admitted the same in
their depns ꝺ 9/9/95 (Sks 19)

There remains the further
question whether in the
absence of a contract to the
contrary the purchaser
of the grazing right in
waste land is entitled to
the cattle droppings.
As observed by the Dy Comr ✓
of the time (Mr A Krishnaswamy Ja)
this question need not
have arisen for decision

had the procedure prescribed
in Govt No. 2360-95 16/7/84
viz that of selling the herbage
by the villagers in about 3 miles
of by a simple individual
been adopted. In such a
case the manure will go
by accretion who takes the
trouble to collect. Neither in
the Govt orders of 1884 & 1885 (
nor by the amildar) nor in
the rules made by Govt under
Sec 36 of the LR Code have
any provision been made
to assert the right of
Govt & the manure
collected in waste Lands.
2 of Govt. there is not entitled
to the cattle-droppings, the
patel ~~whose right~~ is not-
entitled to the same either
In consideration of the

Patel wanting his repl
if any, the sub-lessee
seem to have paid him
slightly larger sums than
they would have paid for
the grazing right alone.
It is not clear how
the amount arrived
at the fact that Bill
was due from the Patel
on account of the
collections of past years.
The list produced by the Patel
(Exh No 31) does not show
the amounts collected on
account of grazing &
manure separately

17/11/98

Rd. 6.30 p.m.
6.6.99

Panel continued
Exh 6 & 31
6.6.99

am of opinion
that there should
be separate levy
in all districts
in the case of
the grazing right.
Supposing he had
taken away the
manure what
will it? Credit
is contended that he
did not act within
his right. I think
not. Before deciding
finally however
with this matter
I would ascertain the
practice elsewhere
in the other districts
& with Hans Datt
Chief.

Still have
reading the Govt's repl. & Patel's
- marking some
Counsel's arguments

In furtherance of the 2nd Councillors order of 19-11-98, the Dy Cmrs of all districts were requested in G.O. Nos. 3591-7 of P. 453 29-11-98 to report the practice prevailing in their districts regarding the disposal of cattle droppings in unoccupied waste lands leased out for hulbanni.

2. In reply, the Dy Cmr of Tumkur reports that in his District the purchaser of hulbanni is allowed to remove the cattle droppings during the period of his hulbanni lease, who ~~sell~~ remove them once a year or as often as he likes; that in the Dy Cmrs opinion, he has a right to the droppings and there could be no objection if the purchasers chooses to remove them daily.

3. The Dy Cmr of Chitaldrug reports that the droppings are not disposed of by sale in his district.

4. The Dy Cmr of Kadur reports that

G.O. of 18-2-99 S.No 7. 633

No 449 of Revenue S.No 8.

as reported by several Amildars, the cattle droppings are collected (by Kulkarni-Jagdars) only for domestic purposes, and ~~used~~ are not disposed of by sale or otherwise; that such droppings in Kaidan parts are stated to be removed generally either by cattle tenders or other people of the village; and that in Kaluad they are seldom, if ever, removed or made use of.

5. The Ag. Comr. of Kolaba reports that the purchaser of Kulkarni has no right over the droppings nor does he interfere with the same; that the wet droppings in some localities are taken away daily by cattle followers, while the dried droppings are picked up by villagers and lower classes for being used as fuel; but that no fee is levied for the same.

No 358/880 of 29-3-99 from Kolaba

6. The Ag. Comr. of Khandesh reports that no special droppings arrangement seems to exist in his District regarding the disposal of the droppings,

No 876 of 7-4-99 from Khandesh

and that the right thereto does not seem to have been the subject of a dispute hitherto, that the droppings on the holdings lands are generally picked up and removed by the owners thereof or by their servants who go in charge of the cattle grazing thereon.

N° 785 9-3-09 S.No. 2
623

7. The Inspector of Forests reports that as reported by the Assistant Commissioners, the droppings in Malabar are not collected, as there is abundance of wood as fuel; that in hilly places, more specially in the regulated parts, they are collected and used as fuel by cattle graziers and other poorer classes of new villages; that in his opinion the item is too trivial to be separately leased out by sale, and may be left free to be used by the poor as the produce of road-side trees usually is; but that the lessee has no right to make an income out of this item and that it has not come to notice that this has been done anywhere in his district

8. The Dy Comr of Bangalore reports
that the practice in his District
is to allow the ryots, to whom the
lands have been leased out for
Kulbanni, to take the droppings.
9. Lastly, the Dy Comr of Hassan
reports to which the appeal in the
particular case, wherein this general
question has cropped up, belongs,
reports that the droppings in Hassan,
Hole Narsipur and Arkalgud Taluks
are reported by the Amildar
to be removed by the owners of
Cattle or their servants who
graze their cattle and are not
subjected to sale; that in practice
Taluk the droppings scarcely accumu-
late, as Korachars and Waddars
who may happen to reside tem-
porarily on such lands give
them away along with other manure
to the villagers taking in return
ragi or other grain. That if they
so away without disposing of the droppings
purpose, they would be sold on application
and that even this method of disposal
is very rare; that in Chennapatna
the practice is to sell by auction the
manure that may collect on fast waste
lands or dwellings being, more for the sake
and that in Ramjanahalli, Belur and Alur

No 172 Dy. 3-6-99 S.No. 3

No 185 Dy 28-5-99 S.No 13

Salem, the droppings are, as reported by the Amildar, not disposed of either by sale or otherwise.

III
2/6/99

It will be seen that the case that has arisen is a somewhat rare one. The majority of the Dt. Courts report that, as a rule, the purchaser of the Hulbarini has the right to remove the cattle droppings, but that he is not generally allowed to deal with them so as to make a profit for himself.

The Dt Court of Kolar, however, states that in his District the purchasers of the Hulbarini are considered to have no right to the droppings but that the villagers ~~are such~~ get the same without any fee. No uniform practice is reported to be prevailing in Hassan in this respect.

6.6.99

In this case the order appealed against cannot be supported.

Mr Potts admits the material facts which appear to be that in accordance with the usual practice the grazing right of the tract in Q[illegible] was sold to the Petrs, which he states was in his representative character & was for the benefit of all the villagers. They reserved some land for their own cattle and disposed of others for the grazing fees & money of the amount he paid before us. It was in connection with this sale that the Petr is said to have stipulated for the payment of money for cattle driving and acted while the Petrs does not hesitate to admit that he collected the money he contends that it was for himself & for the other Ryots for whose benefit the grazing was let out, and that if such money has to be refunded it is not he alone who should be made liable, but all the Ryots should be made parties.

at least this was done by the Petrs as it was in his name that the whole grazing had been sought.

On a consideration of all the circumstances of the case, & after carefully considering the practice prevailing in all the Districts the conclusion which has been arrived at is that the levy of cess ordered from the Petitioners is illegal and ought to be cancelled. As the purchase of the grazing right in was within his right to make any terms with those who used the land for grazing - the stipulated that the cattle droppings should belong to him, & then he sold to others. Govt has no right to interfere in this transaction which appears to be quite legal - It must therefore be ordered that the order dated 12/7/99 from the Petitioners

If any portion of the money has been received it must be refunded to him

8/6/99

Print Proof

(1)

Read:-

Letter No 1229-930, dated 20th January 1885, from the Dy. Comr. Shimoga.

No: 6023-31/128 d. 20th January.

Order — As a general rule the grazing of one village must be limited to the cattle of that village; when however it is abundant and can supply the demand of other villages, there is no objection to the temporary letting of the surplus grazing to the cattle outside; but this must be done under the prescribed rules and no extra collection from the outside cattle should be permitted.

2 In the case now brought to notice the village officials were not justified in making the extra collection and

and should be warned against doing so in future without orders. The collection which they have made should be removed from them and remitted to the Government and Revenue to which they legitimately belong.

(Sd) R. Vijayendra Rao
Secretary -

To The Hy. Comrs. Shimoga Distt
" " Hy Comrs of other Distts
" " Assistant Comrs in charge of Sub-Divisions
" Copy "

The order appealed against is dated 6-11-97 and the petn appeared on 4-7-98. Whether the petn was informed of the order in the interval or the delay more than 4 months is explained

7/7/98.

To be put in the final cause

Rubd

1/2R stamp affixed. Stamp duly cancelled

2) Mukhtiarnama complained of is dated 8-11-97. This order was delivered to the Advocate for the petitioner and a copy of it on 6th January received by him time

3) Appeal against Collector's order levying from the petr the annual collection by him from the Cattle-dropping as per value of the drop-pings in the bed of a tank which was used by the petr for husbandry purposes

4) Not a final case

Petr waives the charge.

Rubd D.C. Ld Counsel

12/7/98

Case may be put up with record

25/7/98

26-7-98

12/7/98

25/7/98

Dft

7

L.R. 97-97-6

1897

No. 15

Name of Petitioner Kempe Gowda Patel

Village Jannara

Taluk Channarayapatna

District Hassan

Date of Arzi 29-6-97

Date of Receipt 4-7-97

Date of Disposal

No. of Enclosure one

ABSTRACT

This is an appeal against order in Sod Suit No. of the Deputy Collector of Hassan District.

The order appealed against is as follows—

"Only the right of grazing belongs either to the ryots of the land or to those who levy it in auction sale, but not the right of selling manure accumulated thereon. The ryot's conduct is to be guided by custom. Custom has been practising this from a very long time it is enough, if he be made to pay the

amount which he has unlawfully collected."

The petitioner states as follows - That by compulsion he took the bed of the tank of Jaffna for grazing purposes & rented the same to the ryots of Jithiavaram, Chunnakam, Kalviddi, Valvettithurai. That the ryots of these villages were using the manure accumulated therein. That the ryots of Kalviddi gave trouble to pay their rent on a certain year & consequently they were not allowed to graze their cattle in the bed of the tank. That on account of this difference one Maruthadchi of Kalviddi complained against the petitioner stating that he sold the manure accumulated in the bed of the tank; that an Amildar reported against the petitioner without enquiring into the matter. That on this report the Dy. Com! passed the order referred to above. That in consequence of the order a sum of Rs 20 was taken from his Potiyal & he has been informed that his property will be sold if he fails to pay the balance in Rs 7. that he did not sell the manure. That the enquiry be made he will prove that he did not sell the manure accumulated in the bed. that he pays Rs 300 in the form of revenue & that the petition. He prays that enquiry may be made into his case & equitable order passed

mrz.
5/7/98

COURT FEE

COURT FEE

COURT FEE

Pet 93 (3) L2

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

LR 97-97-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 15 dated 29-6-98 received at the Dewan's Office from Kempegowda, of Jandiwara in the Channarayapatna Ta appealing against the order of the Deputy Commissioner, Hassan, to refund the amount collected by him from the ryots as the value of cattle droppings washed ... bank in the village, leased with the ... is forwarded, together with its ... enclosures, to the Deputy Commissioner of the Hassan District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

for Secretary.

29.7.98

BANGALORE,
29/7/1898

29.7.98

Genl: Records. L 9-7-98-3

Clearance Pro: No: 6023-31/128

3291-95

AK

5/10/98

all the years of the Pet-is evidently wrongly quoted as statements before in the Revenue of 1895.

7-10-98

JLB 7/10/98

Copy of order No: 6023-31/128 of 29-1-95 relating to Hulbaine's Tanks & Petitions:

Ref-Petitions.

AK

10/10/98

Submitted

10-10-98

Precis (enc) (Pet= demands fact & the report does not clear up the point). 11/10/98

h. C.E. Macmillan

15/10/98

Submitted 31/10/98

Precis put up

C&L 31/10/98.

Submitted to Commissioner with precis

7/11/98

REVENUE DEPARTMENT
Gl. No. 1998
OCT. 4 1898
No .....
DEWAN'S OFFICE

(4)

From The Dy Commissioner
Nasik

REVENUE DEPARTMENT
Gl. No. 2373
OCT. 4 1898
No .....
DEWAN'S OFFICE

To The Collector of Nasik
Commissioner Northern Division
Chief Secretary to Govt.

Dated 28th September 1898.

Despatched

Received

General No. 279
No.

Enclosure No. Petn & its enclo and file of 1895

In reply to No 1/93 of 30th Sept 1898.

Submitting report on the petition from Kanjesowda of Jainimora, Chandwad taluka, against Nasik, appealing against Dy Comr's order levying from the petitioner the amount collected by him from the Raiyats as the value of cattle drowned in the bed of the Tank in the village, remitted to the petitioner, for Hulbaine's Tanks.

Petition with

Rd on 4/10/98.

30/9

No 279

Deputy Commissioner's office
Kaptan, Dated 22 September 98

From,

R. Devarajulu Esquire
Deputy Commissioner
Kapturetlet

To

The Secretary to the
Government of Malgame
Revenue and General Depart.
Bangalore

Sir,

With reference to official
memorandum No 93 dated 30-7/98,
3-8
calling for submission of entire records
connected with the case of Kempe Gowda
of Jaccinaru village Channarayapatna
Taluk I have the honor to submit the
following report.

2. The appellant Kempe Gowda
has for the last several years been
the active functionary of the annual
Car festival [illegible]

bed, in which the cattle of the villages of Jaminara, Kalemahalle and Chowdabally used to graze. In the year 1895, one Mahomed Sahi presented petitions, both to the Amildar and the Deputy Commissioner, complaining that Kempe gowda had wrongfully leased to one Thimma Chetty for a yearly rent of Rs 1, the right of collecting the cattle droppings on the Jaminara side of the bed and asking for an annual patta of Rs 5. The droppings on the Kalemahalle side of the bed. On enquiry, it was ascertained that Kempe gowda was in the habit of leasing out to others, the right of collecting the droppings on the ground that he had right to graze the cattle in the dank bed as the auction purchaser in the Pullaani sale.

3 ——— The Amildar, having in view Government Proceedings &c 6023-31/128 dated

Dated 29th January 1895 was of opinion
that Kenya Zaneda - - - - - was
liable to pay to Government the amount
which he recovered from others as the
sale proceeds of the cattle droppings and
submitted the records to the Deputy Commissioner
for orders. Thereon the Deputy Commissioner
passed the order appealed against to the
effect that as the right of grazing
cattle in the Township vested in the
auction purchasers or the Ryots, that
neither of these have any right to sell the
droppings to others and that as a long
time had elapsed, he should be made to
pay to Government the amount he
had collected on account of the gutta
of the droppings. On erecting this
order, the Amildar took steps to recover
from the appellant, the amounts passed
to have been collected by him from
others in respect of the sale of the

despiece. From the official under
report.

4. ——— The vernacular records ending
with the Chemmakalpakka Amildari Dy
244 dated 10th September 1898, are herewith
submitted, as also the enclosures received
with the official memorandum.

I have the honor to be
Sir
your most obedient servant

[signature]

Dy Collector
[illegible] Rajamundry

(5)

Proceedings of the Govt of Guyana

L2 97-97-4

Sub Records

attd if Draft for Approval
2) As the order has to be
L.S. Govt's thanks
2nd if (may be minuted, Manph.
the order is well-worded
important

Hy. 19/11/98

If any discrepancy
of an accident of information
any other
clarification is required
should be called for
Govt's Analyst

25-11-98.

"Proceedings
have printed
Hy
25/11/98

Read:—

(1) Petition No 15 dated 29th June 1898, presented by the inhabitants of Jamaica, Corentyne requesting Labour, appealing against the order of the Govt Commr, the Hassan, directing the levy from the Petitioners of the amount realised by him by the sale of the cattle droppings in the bed of the Jamaica tank which had been leased to the Petitioner Subbanni

(2) Letter No 279 dated 28th September 1898 from the Govt Commr Berbice districts reporting on the above facts of the case —

(Here copy the letter in extenso)

Order No 3591-7/453 29/11/98

The Govt Commrs of districts are requested to report the

prevailing
practice ~~existing~~ in their Districts

~~in the matter~~ respecting the
disposal of cattle dog pups in
Bagli unoccupied waste lands
Crown and pre-emptions

For Secretary. 25-11-98

To
Dy Commrs of Districts.

SC 18/11/98

REVENUE
Gl. No. 5079
B. I.
Ser. 3/4. 1898-99

(6)

From The Deputy Commissioner
Tinnevelly District.

To The Secretary to the
Govt. Finance, Comml. &c. Dept.

Dated 7th January 1899.

Despatched 14th

Received

General No. 498.
No.

Enclosure No.

Govt. Proc: No 0571-7 dated
24th November 1898.
Ser 453

Reporting the practice
prevailing in this District
regarding the disposal
of Excise Shoppies in
unoccupied waste lands
belonging to Inferior

Open file
Collect the reports called
for 24/2/99
Open file
9-3-99
AK
22/2/99.

LR 97-97-5

Ref N
17.2.99

Read
18/2.
AK
18/2/99

Ref: part up.
Subs.
18/2/99

No 498

Deputy Commissioner's Office,
Tumkur District

Dated, Tumkur, 7th February 1899.

To

The Secretary to the Government of Mysore, General and Revenue Departments,
Bangalore.

Sir,

In reply to Government Proceedings No 3591-7 Petn 453 dated the 29th November 1898 (received to day), I have the honor to state that in this District, it has been the practice to allow the purchasers of the Hulbanni in unoccupied waste lands to remove the cattle-droppings thereon during the period

period of his Hulbanni lease. The droppings are usually collected in one place and removed once a year or oftener as may be convenient to the Hulbanni purchaser. It seems to me that he has a right to these cattle droppings and I believe no objection can reasonably be taken to his removing them daily if he chooses to do so.

I have the honor to be,

Sir,

Your most obedient Servant

Deputy Commissioner

To

The reports from the Dy Commr of Dhy except Dunbar and Chitaldrug not yet received to be sent after their receipt as per order of the Govt Secy dated 21.2.99.

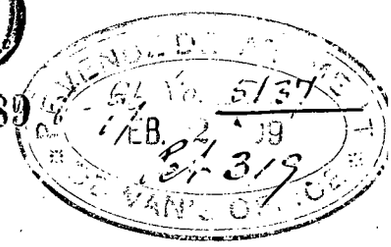
23.2.99

L&R 97-97-6

Gen. 31.]

7

189



From

The Deputy Commissioner, Chitaldrug District.

To

The Secretary to the Government of Mysore, General and Rev. Depts.

Dated 15th February 1899

Despatched

Received

General No. 659-

No. 633-

Enclosures No. -

With reference to Government Proceedings No. 85-91-7 dated 4th December last, has the honor to state for information that no disputes in connection with the Inam lands have arisen in this District.

I have the honor to be, Sir, Your most obedient servant,

Sd

Rev Dept

22.2.99

Read 23/2

Rep. put up.

AHC

23/2/99

Ref 11
24.3.99

Rec 22/3
Reps put up
AK
22/3/99
Subd

Collect all said reports
I submit when they are
complete. I shall then
be able to
reply

23.3.99

24/3/99
Recommend reply

25.3.99

Dft 97-97-7

5354
MAR 1
From Vet. Sec. 1899

The Deputy Commissioner
Gadaref District

To The Secretary to Govt
General and Finance Depts

Dated 18th

Despatched 19th March

Received

General No. 449.
No.

Enclosure No.

G. G. No 3591-7 dated
Ref 453
29th November 1898, calling
for submission of a
report as to the practice
prevailing in regard to
the disposal of cattle
droppings in unoccu-
pied waste lands laced
out for hulbanni.

With reference to the
above, the undersigned
has the honor to state
that, from the reports
received from the several
Amleiars in the District,
it appears that cattle
droppings in hulbanni
lands are collected only
for domestic purposes,
and are not disposed

of by sale or otherwise
by Mullanni Izandaro.

2. It is stated that such dressings in maidan parts are generally removed either by cattle tenders, or other people of the village, whilst in malnad they are seldom, if ever, removed or made use of.

D. C. Canara
Deputy Commr
Dharwar District

Mr.

Pd-34
Pd-358

Gen. 31.]

GENERAL DEPARTMENT
Gl. No. 5987
MAR 18 9
Pd-373
RECORDS OFFICE

189

(10)

From The Deputy Commissioner
Kolar District

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Revenue and General
Department

Dated
Despatched 24th March 1899.
Received

General No. 3591
No. 880

Enclosure No.

L 1897-97-8

Submitting report
as to the practice
prevailing about the
disposal of cattle
&
droppings in unoccupied
waste lands.

20.3.99

Rec'd 29/3. G.A 6977/98 containing the reference returned.

AK
1-4-99. When Report is received from the Deputy Commissioner, Kolar 15 papers
8/4/99

Deputy Commr's Office Kolar

Dated 24th March 1899

To

The Secretary to the Government of Mysore.

Revenue and General Departments.

Sir,

With reference to Government Proceedings No: 3591-7 / Pet 453 dated 29th November 1898, calling for report as to the practice prevailing about the dedication of cattle droppings in unoccupied waste lands, I have the honor to state that the dedication of Government waste lands are generally resorted of among the ryots for Considerations given on the average of two year realizations, but in cases where ryots do not agree to the average system they begin of staging in kind. The Tahsildar has no right over the cattle droppings, nor does he interfere with the same. The cattle droppings in Some localities are taken away daily by cattle followers while the cattle droppings are

kicked

picked up by villagers and lower classes for being used as fuel, but no fee is levied for the same.

I have the honor to be,
Sir,
your most obedient servant.

Deputy Commissioner
Kolar District.

(11)

REVENUE DEPARTMENT
No. 6256
APR 0 199
No 393

From

The Deputy Commissioner

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 7th April 1899
Despatched
Received

Enclosures No. —

General No. 876

Reporting the practice prevailing in regard to the disposal of cattle droppings in unoccupied waste lands leased out for habbani.

10.4.99

12/4.

67 69 99 containing the Dft. report.

13/4/99

No. 876

Enclosures No. –

OFFICE OF THE Dy Commr
MYSORE DISTRICT,
Dated Mysore 7th April 1899.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Herewith a Government Proceedings No. 3991-7 dated 29th November 1898 (Ser. 453) enquiring in practice prevailing in the Dist in regard to the disposal of Cattle trespassings in unoccupied waste lands leased out for Kulbanni, I have the honor to state that from the reports received from the Taluq Cutcherry except that of Hunsur whose report is not yet to hand, it appears that no special arrangement exists in this District about the disposal of Cattle trespassing on such lands, nor does the right thereto seem to have hitherto formed the subject of a dispute.

2. The Kulbanni lands are generally leased out to the villagers themselves every year

on a rent fixed on the average of the last realizations and the cattle droppings thereon are picked up and removed by the renters or by their Servants who go in charge of the cattle grazing on such lands.

I have the honorable,

Sir,

Your most obedient Servant

D. Marshall

Deputy Commissioner

Superintendent

Confederacy.

REVENUE

6633

(12)

P 6410 1898-99

From The Deputy Commr
Amraoti District.

To The Secretary to the
Govt of Bombay
Revenue Deptt

Dated 23rd April 1899.

Despatched

Received

General No. 745
No. 623

Enclosure No.

LR 97-97-10

With reference to Govt
Rev. & E 3591-2 dated
Pol. 453
29th November 1898,
I submit report regarding the disposal of salt
dropping in unoccupied waste lands lessed
out for cultivation.

Put M
26 4 99

Rect
27/4. 07 09 99 containing the
reply is put up.

AK
27/4/99

No 7355
623

Deputy Commissioner's Office
Shimoga District
23rd April 99.

To
The Secretary to the Govern-
ment of Mysore, General,
and Law Departments.

Sir,

In reply to Government Pro-
ceedings No 3591-7 Dated 29th November
Pol. 453
1898 and subsequent reminder No 6781
Pol. 69-98
dated 29th March 1899, requesting me
to report the practice prevailing in
this district regarding the disposal
of cattle droppings in unmanured
waste lands used or set apart,
I have the honour to state that (as
reported by the Amildars) in Mal-
nad places, the droppings of
cattle are not collected, as there

is

is — abundance of wood as fuel.
In maidan places, more especially
in thickly populated parts, they are
collected and used as fuel by —
cattle graziers and other poorer —
classes of villagers, when found
not far from villages.

2. It is submitted that the item
is too trivial to be separately —
leased out by Government, and
may be left free as the produce
of road-side trees at present, vir-
tually, to be used by the poor who
only resort to collect such articles.
The Cesse of Kuthami Lands has
no right to make an income
out of this item, and it has not
come to notice that this has
been

I recommend enquiries in this district.

I have the honour to be
Sir,
Your most obedient Servant
H. M. [illegible]
Deputy Commissioner
Shimoga District

1874

Gen. 31]

13

REVENUE DEPARTMENT
REVENUE No. 7117
1898/99 & 99
No Pet-428
REVENUE OFFICE

Subd. The report is due
viz that of the Nelamangala
to complete the file. Major
Wilson since?

Yes dd

Mgg
18/5/99

L R 97-97-11

From
The Dy. Commissioner, Bangalore District. of the

To The Secretary to the Govt
of Mysore
Genl & Rev Depts

Dated 13th
Despatched 15th } May 1899
Received

General No.
D No. 1112

Enclosure No.
Govt Pro. No. 3591-7
Pet 45-3
dated 29th November/98

Reports regarding the practice prevailing in this District re the disposal of cattle droppings in unoccupied waste lands leased out for husbandi

Pete M
16.5.99
RD 17-5-99
OZ bg offs containing the
ags is put up
OK
17/5/99

D. No. 1112

Bangalore District
Dy. Commissioner's Office
Bangalore, 13th March 1897.

To,

The Secretary to the
Government of Mysore
Revenue Departments.

Sir,

With reference to the Government Proceedings No. 3321-X. dated 27th December 1895, Petd 53 requesting to report the practice prevailing in this District regarding the disposal of cattle droppings in unoccupied waste Lands leased out for cultivation, I have the honor to report that the practice in this District is for the ryots, to whom such unoccupied waste lands have been leased out for cultivation, to take the cattle droppings.

I have the honor to be
Sir
Your most obedient servant

H. P. Mattamanchett

Dy. Commissioner,
Bangalore District.

Orders

Dr Kershaw Chen
In re Contamination of the Swan Lagoon
Crown Reserve 1011 by Offensive refuse.
1-6-99

Precis Continued
WL 1/6/99

Pol 8 20. 5. 99
887 89
1898.

GENERAL POST OFFICE
7427
438

From The Commissioner
Hadden Street.

To The Secretary to the Government of Mysore
General & Rev Depts.

Dated 26th May 1899.
Despatched
Received

General No. 835
No.

LR 97-97-12

Enclosure No. nil.

In reply to No. 359-97
Pol: 453
29th November 1898.

Subject

Reporting the practice prevailing in this District as regards the disposal of Cattle droppings in unoccupied waste lands leased out for cultivation.

Ist
29.5.99
Rec'd 30/5. Reports from all the districts are received.

30/5/99

No: 835.

Hassan District
Deputy Commr's Office
Hassan 26th May 1899

From,
The Deputy-Commissioner
Hassan District

To,
The Secretary to the Govt
of Mysore, Y.L. & Res:
Departments.

Sir,

With reference to Govt
Proceedings No 3591-7 dated
P.L. 2453
29th November 1898, requesting
Deputy-Commissioners to report
the practice prevailing in
their districts regarding the
disposal of cattle droppings
in unoccupied waste lands
leased out for Agriculture, I
have the honor to submit
that the Shirdar of Hassan,
Holenarasipur, and Arakalgud
reports

reports that in their talukas the cattle droppings are removed by the owners of cattle or their servants who graze the cattle on the lands of the description under reference and that they are not subjected to sale.

2.— The Amildar of Savitri reports that cattle droppings scarcely accumulate on such lands, that Kolis and Vaddars who may happen to reside on such lands temporarily give away the droppings of their cattle if any and other manure that may collect, to the Villagers taking in return ragi or other grain that when they go away without disposing of the same as above the

the manure would be sold on
dark that being made for the
same and that even this method
of disposal is very rare.

3. — The Amildar of Channaya-
-patna reports that in his
Taluk there is the practice of
selling by auction manure that
may collect on Govt. waste
lands on dark that being
made for the same.

4. — The Amildars of Manjanbad
and Balur and the Deputy Amil-
-dar of Alur report that the
Cattle droppings are not dis-
-posed of either by sale or
otherwise.

I have the honor to be,

Sir,

Your most obedient servant.

O'Connor

Deputy Commissioner.

BS

(15)

LR 97-97-13

Proceedings of the Govt of Mysore

Read:

Petn of appeal No 15 dated 29th June 1813, preferred by Kempe gowda of Javinara in the Channarayapatna Hk, against the order of the Dy Comr, Hassan Dt directing the levy from the petr of the amount realised by him by the Sale of the cattle droppings in the bed of the Javinara tank leased out to him for kulhanni.

2. Correspondence ending with Govt Pro No 359-7 dated 29.11.98, calling for report from the Dy Comrs of Dts as to the practice prevailing in their Dts regarding the disposal of cattle droppings in unassessed waste lands leased out for kulhanni.

3. The following reports from the Dy Comrs of Dts.

i, Letter No 498 dated 4.2.99 from D.C. Tumkur.

ii " 659/633 of 15.2.99 " D.C. Chitaldrug.

iii " 449 of 18.3.99 " D.C. Kadur

iv " 3591/880 of 24.3.99 " " Kolar

v " 846 of 7.4.99 " " Mysore

vi " 788/623 of 23.4.99 " " Shimoga

vii " 1112 of 13.5.99 " " Bangalore

viii " 835 of 26.8.99 " " Hassan

Order Therein: By 2442-9 Dt 23.6.99.
Fc 09-98, 26

In this case the order appealed against cannot be supported.

The pet admits the material facts which appear to be that, in accordance with the usual practice the grazing right of the tank in question was sold to the pet, which, he admits, was in his representative character and was for the benefit of all the villagers. They reserved some land for their own cattle and disposed of others for the recovery of the amounts to be paid by Govt. At least it was done by the pet

as it was in this name
that the whole grasing
had been bought. It
was in connection with
this sub-sale that the
petr is said to have
stipulated for the pay-
ment of money for cattle
droppings also. While
the petr does not hesitate
to admit that he collected
the money, he contends
that it was for himself
and for the other ryots for
whose benifit the grasing
was sublet, and that
if such money has to be
refunded it is not he
alone who should be
made liable, but all the
ryots should be made
to contribute.

On a consideration
of all the circumstances
of the case, and after
ascertaining the practice
prevailing in all the
Vlgs, the conclusion to
which has been arrived

al- is that the levy ordered from the petr is illegal and ought to be cancelled. As the purchaser of the grazing right, it was w[i]thin his right to make any terms with those who used the land for grazing. He stipulated that the cattle droppings should belong to him, and they he sold to others. Govt has no right to interfere in this transaction which appears to be quite legal. If any portion of the money has been recovered from the petr, it must be refunded to him.

C
18/6/99

C2
8/6/99.

Secretary.
PBL 15.6.99
15/6/99.

To: 1) The Dy Comr. Hazara
Dft. with reports.

2) The Dy Comrs of other Districts.

+ 23-5-99

26/6

Offg Esqr

22-6
Pressing
sent up
23/6
Sent 24/6

Proceedings of the Government of Mysore, Petition, dated 23rd June 1899.

READ—

Petition of Appeal No. 15, dated 29th June 1898, presented by Kempe Gowda of Janivara in the Channarayapatna taluk, against the order of the Deputy Commissioner, Hassan district, directing the levy, from the petitioner, of the amount realized by him by the sale of the cattle-droppings in the bed of the Janivara tank leased out to him for hulbanni.

2. Correspondence ending with Government Proceedings No. 3591-7—P. 452, dated 29th November 1898, calling for report from the Deputy Commissioners of districts as to the practice prevailing in their districts regarding the disposal of cattle-droppings in unoccupied waste lands leased out for hulbanni.

3. The following reports from the Deputy Commissioners of districts :—

I. Letter No. 498, dated 7th February 1899, from the Deputy Commissioner, Tumkur district.

II. Letter No. 659—633 of 15th February 1899, from the Deputy Commissioner, Chitaldrug district.

III. Letter No. 449 of 18th March 1899, from the Deputy Commissioner, Kadur district.

IV. Letter No. 3591—380 of 24th March 1899, from the Deputy Commissioner, Kolar district.

V. Letter No. 876 of 7th April 1899, from the Deputy Commissioner, Mysore district.

VI. Letter No. 785—623 of 23rd April 1899, from the Deputy Commissioner, Shimoga district.

VII. Letter No. 1112 of 13th May 1899, from the Deputy Commissioner, Bangalore district.

VIII. Letter No. 835 of 26th May 1899, from the Deputy Commissioner, Hassan district.

No. 9442-9—PET. F. 69-98, DATED BANGALORE, 23RD JUNE 1899.

ORDER THEREON.—In this case the order appealed against cannot be supported.

2. The petitioner admits the material facts, which appear to be that in accordance with the usual practice, the grazing right of the tract in question was sold to the petitioner, which, he admits, was in his representative character and was for the benefit of all the villagers. They reserved some land for their own cattle and disposed of others for the recovery of the amount to be paid to Government. At least, this was done by the petitioner as it was in his name that the whole grazing had been bought. It was in connection with this sub-sale that the petitioner is said to have stipulated for the payment of money for cattle-droppings also. While the petitioner does not hesitate to admit that he collected the money, he contends that it was for himself and for the other raiyats for whose benefit the grazing was sub-let, and that if such money has to be refunded, it is not he alone who should be made liable, but all the raiyats should be made to contribute.

3. On a consideration of all the circumstances of the case, and after ascertaining the practice prevailing in all the districts, the conclusion which has been arrived at, is that the levy ordered from the petitioner is illegal and ought to be cancelled. As the purchaser of the grazing right, it was within his right to make any terms with those who used the land for grazing. He stipulated that the cattle-droppings should belong to him, and these he sold to others. Government has no right to interfere in this transaction, which appears to be quite legal. If any portion of the money has been recovered from the petitioner, it must be refunded to him.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Hassan District, with records.
The Deputy Commissioners of other Districts.

Exd.—C.V.

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 23rd June 1899

No. 9442-9
Pet. F. 69-98

Cancelling the levy from Kempe Gowda of Janivara, Channarayapatna taluk, of the amount realized by him by the sale of cattle-droppings in the bed of Janivara tank leased out to him for hulbanni.

SBP—28-6-99—200

LR 97-97-14